

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. McLEODUSA TELECOMMUNICATIONS SERVICES, INC., Respondent.	DOCKET NO. FCU-04-6
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ORDER APPROVING SETTLEMENT AND ASSESSING CIVIL PENALTY

(Issued March 29, 2004)

On January 26, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a "Petition for Proceeding to Consider Civil Penalty" for alleged slamming violations committed by McLeodUSA Telecommunications Services, Inc. (McLeodUSA).

In its petition, Consumer Advocate asserted that McLeodUSA switched the complaining customer's long distance service without proper authorization in violation of Iowa's anti-slamming law, Iowa Code § 476.103 (2003).

On March 19, 2004, the parties to this docket, Consumer Advocate and McLeodUSA, submitted a joint motion for approval of a settlement. The settlement agreement addresses all issues in the docket and includes a monetary penalty

against McLeodUSA in the amount of \$500, which is to be paid within 30 days of the date of this order.

The settlement agreement is reasonable in light of the record, is in conformance with all applicable statutes and rules, is in the public interest, and will be approved. 199 IAC 7.2(11).

IT IS THEREFORE ORDERED:

1. The "Joint Motion for Approval of Settlement Agreement" filed in this docket on March 19, 2004, is granted and the "Settlement Agreement" is approved.

2. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed March 19, 2004, McLeodUSA Telecommunications, Inc., is assessed a civil penalty in the amount of \$500. Payment is due within 30 days of the date of this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 29th day of March, 2004.